

# Committee on Resources

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## Witness Testimony

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### TESTIMONY OF BRUCE BABBITT, SECRETARY, UNITED STATES DEPARTMENT OF THE INTERIOR

BEFORE THE HOUSE SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS, HOUSE RESOURCES COMMITTEE, REGARDING H.R. 3113, REAUTHORIZATION OF THE RHINOCEROS AND TIGER CONSERVATION ACT OF 1994 AND H.R. 2807, THE RHINO AND TIGER PRODUCT LABELING ACT.

February 5, 1998

Thank you Mr. Chairman for the opportunity to testify on H.R. 3113, the Reauthorization of the Rhinoceros and Tiger Conservation Act of 1994 and H.R. 2807, the Rhino and Tiger Product Labeling Act. The Department strongly supports the reauthorization of the Rhinoceros and Tiger Conservation Act through the year 2004 as well as the enactment of the product labeling legislation. I commend the Congress for its commitment and continuous support to conserve these important endangered species.

It is a great pleasure for me to be here today to address a subject which has been one of my personal priorities for the Department of the Interior. One of the first international issues which confronted me when I became Secretary was the drastic decline of rhino and tiger populations in Africa and Asia, due in large part to poaching for the traditional medicine trade. It was clear to me that we would not be able to turn this situation around without aggressive action on two fronts: expanded assistance to range countries to build their capacity to conserve rhinos, tigers, and their essential habitats; and concerted international pressure to halt the terrible trade in rhino and tiger parts and products.

I note with great satisfaction that these are also exactly the areas covered by the two pieces of legislation which you have asked me to address today, and that we are truly building a bipartisan consensus to continue the U.S. leadership role in conservation of these magnificent but imperiled species. Today I would like to summarize for you some of the important actions we have already undertaken for rhino and tiger conservation, and outline the reasons why there is an urgent need for more action -- action which will be enormously enhanced by the legislation you have put forward today.

The Interior Department, through the U.S. Fish and Wildlife Service, has had a long history of proactive programs on behalf of endangered species and their habitats in Asia and Africa. The Service's two decades of conservation efforts in India and South Asia, for example, emphasizing local institutional development and training, greatly facilitated local wildlife researchers and managers protecting their resources more effectively. However, prior to 1994, this effort was chronically underfunded, particularly for programs outside of India, with available resources falling far short of the conservation needs. In Africa, the Service had built a successful program for elephant conservation, assisting a number of countries under the African Elephant Conservation Fund, but that program could at best produce only indirect benefits for African rhinos, despite the fact that rhino populations were in far more desperate straits than elephants.

In order to explain why I feel so strongly about the need for increased action, let me summarize what we know of the situation facing our world's remaining tiger and rhino populations.

The situation with most of the world's remaining rhinos in Africa and Asia is indeed very serious. Poaching for rhino horn is the major threat for all five species, and habitat degradation is also a significant threat for the Asian species which live in tropical rainforests. All three species of Asian rhinos are in danger of extinction, two critically so. The total population numbers for all three Asian species combined may in fact be less than the number of black rhinos remaining in Africa, in spite of the fact that the decline of the African species has received much more publicity over the last decade.

While the overall paucity of rhino numbers is one factor of concern, another is their distribution. The Javan rhino is the rarest, with fewer than an estimated 100 individuals surviving. Most are in a single protected area in Indonesia, with a few more in an unprotected area in Vietnam. Although the Sumatran rhino numbers may be slightly larger, at 250-450 animals, its situation is considered the most critical, because of its fragmented distribution in small pockets of Sumatra, Peninsula Malaysia, Sabah. Tiny remnants may remain in Sarawak, Thailand, Myanmar, and Laos, but if they still exist at all their viability is very low. The Indian rhino was once in the same condition as the other Asian rhinos, but a vigorous effort by governments in India and Nepal has succeeded in increasing its numbers to over 2000 animals. However, this species is still under serious threat, particularly from poaching, and increased protection is still needed to ensure its survival.

In Africa, the situation for the black rhino and the Northern white rhino is similar. Over the past few decades, black rhino populations have declined by at least 96%, due to poaching for the trade in traditional medicines and dagger handles. The Northern white rhino has been reduced to nine individuals in zoos and a wild population of no more than 30 individuals in a single national park in the Democratic Republic of the Congo. Only the Southern white rhino in South Africa is prospering; here, intensive protection and management have brought its numbers in the wild to almost 8,000.

Wild tigers are arguably in even worse peril. The Cat Specialist Group of the IUCN-World Conservation Union has assembled information from government sources and independent specialists in tiger range countries about the status of the world's wild tiger population. Their best estimate -- given the secretive nature of tigers and the lack of resources in range countries to conduct accurate surveys -- is that there are no more than 5,000 to 7,500 remaining tigers. There are no comparable scientific data from earlier times, but with suitable habitat and prey the tiger is a prolific hunter and breeder, and there were undoubtedly many tens of thousands of tigers up to a century ago. Unfortunately, since then, loss of tiger habitat, reduction in prey populations, and deliberate tiger killing have taken a terrible toll: three of the recognized subspecies of tigers have become extinct, and the remaining five subspecies have come under severe threat. During this same time period, human populations have increased from about 1.5 billion to nearly six billion, resulting in extensive conversion of forest for human use, loss of tiger habitat, and a steep decline of tigers and their prey. Furthermore, over the last decade, poaching and illegal trade -- driven by the demand for bones and other parts of the tiger for the oriental medicine market -- have become an increasing threat.

In most of its 14 range countries, the tiger has adequate legal protection on paper. International commerce in tigers and their products is banned under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and Laos is the only one of the 14 range countries not a Party to CITES. Even the principal consumers, China, Taiwan and South Korea, have banned trade -- after strong pressure from the United States which I will discuss later in this testimony. However, despite these existing national and international legal mechanisms, the enforcement is sometimes weak or non-existent, due to a combination of factors including poor communication and coordination, lack of local governmental support, inadequate or no local infrastructure, funds, personnel, or equipment.

While the status of tigers and many rhino populations is bleak, the rhino situations in South Africa and India give us some reasons for optimism. Where governments and private conservation organizations have made a serious commitment to conservation, these animals can survive and prosper. To accomplish this, however, they need our help. This is the kind of help made possible by the Rhinoceros and Tiger Conservation Act.

### **Reauthorization of the Rhinoceros and Tiger Conservation Act**

When the concept of a rhino conservation bill -- patterned after the African Elephant Conservation Act, which has made an enormous contribution to restoring elephant populations -- was first presented to me, I was enthusiastic. However, I asked Mr. Fields, Mr. Studds, and Mr. Beilenson, drafters of the legislation, to make one key change, by adding tigers to the legislation. Not only were tigers just as endangered as the rhinos which often share their habitats, but in addition it was clear to me that the American people were also particularly concerned with their fate.

The legislation which resulted was the Rhinoceros and Tiger Conservation Act of 1994. It assigned responsibility for implementation to the Department of the Interior, in consultation with the Administrator of the Agency for International Development, for undertaking a rhino and tiger conservation program. Within the Department of the Interior, the U.S. Fish and Wildlife Service was given the lead to administer the Act, because of its twenty years of experience in administering programs in Asia and Africa. The first Congressional appropriation to the fund was for \$200,000 in FY 1996; this amount was doubled to \$400,000 in FY 1997 and another \$400,000 was appropriated in FY 1998.

To initiate this new program, the Fish and Wildlife Service sent out a call for proposals to an extensive mailing list of potential cooperators, developed from its long experience with regional and range country agencies and organizations in Asia and Africa, including CITES partners and the CITES Secretariat. The Act gave clear guidance that priority was to be given to proposals which directly supported and enhanced wild rhinoceros and tiger populations and which included matching funds. A review panel composed of representatives from the Service and the Agency for International Development -- a very beneficial partnership -- was set up to evaluate proposals received and recommend the awarding of funds.

During the 1996-1997 grant cycle, 68 proposals were submitted for consideration, and 77 new proposals have been received thus far in FY 1998. Of the total 145 proposals received, 30 have so far been funded in 10 range countries in Africa and Asia, at a cost of \$582,000 disbursed or committed. Another 25 grant applicants have been provided suggestions about how their proposals can be modified so that they might meet the criteria for approval.

This is a small grant program, but it is amazing how much even a small amount of money can mean to our partners in other countries. The simple act of providing boots, raincoats, radios, and basic training can make an enormous difference in the ability of rangers in India or Tanzania to undertake effective monitoring and anti-poaching patrols. Something more intangible -- but often even more important -- is the boost to their morale when they realize that we the United States care enough to help them. Some examples of current projects, and what they mean to rhino and tiger range countries:

- In India, the Fund is providing clothing, equipment, and radio networks to help guards stop poaching in Kaziranga National Park and Pobitora, Orang, and Laokhowa wildlife sanctuaries in Assam. While the Assam rhino conservation program is considered one of the best in the country, the lack of even the most basic protective clothing and equipment is illustrative of what is needed in many countries if we are to win the war against poaching. Project Manager Anne Wright reports that the new equipment

provided by the Fund has given hope and encouragement for guards working long and dangerous assignments in difficult terrain. She intends to broaden this initial effort by obtaining critical transportation equipment and developing programs among local villagers to increase awareness and encourage reporting of illegal activity.

- In Viet Nam, where tiger habitats are highly fragmented and degraded, the Fund is helping researchers map areas such as Phuoc Son/Tra My Reserve, which is populated by ethnic minorities and possibly up to 30 tigers. Tigers which kill livestock are in turn killed by the villagers to protect their herds or profit from poaching. This collaborative project will assess the tigers' presence in the reserve and surrounding forest and develop a model for reducing conflicts between human land use and tiger conservation.
- In Tanzania, extensive poaching has fragmented and reduced the Tanzanian black rhino population to less than 100. The Selous Game Reserve, one of the largest protected areas in Africa, may be the last hope for survival of the black rhinoceros in that country. The Fund has enabled surveillance and monitoring training for field staff and a survey on the Selous rhino population that will yield specific recommendations for establishing potential Intensive Protection Zones in the reserve.

In the short history of the program, the Service has received many comments about the utility and importance of the Fund, both within the United States and from other countries. Dr. Thomas Foose, of the International Rhino Foundation says that "The Rhino and Tiger Conservation Fund is an important component of the entire package of partnerships. Many had origins before (the Fund), but it helps them flourish, and stimulates matching requirements." From India, Ms. Belinda Wright of the Wildlife Protection Society, says that "FWS (U.S. Fish and Wildlife Service) is perhaps the one (organization) we respect the most, because we have had such a long and close interaction with them. They are genuinely aware of all the issues...they understand and care."

The Service has also developed a strong partnership with the National Fish and Wildlife Foundation's "Save the Tiger Fund", serving on the Council which oversees it and coordinating reviews for all of the project proposals received by each program.

The Rhino and Tiger Conservation Fund has gotten off to an excellent start over the past three years. The job has only just begun, however. There is much more work to do and no shortage of committed partners seeking our help in Africa and Asia. Reauthorization of the Rhinoceros and Tiger Conservation Act will send a strong message that the American people care deeply about these resources of commitment by the U.S. Government to provide sufficient funding and continued support to the conservation of these key representatives of the Asian and African continents and fill an important void.

The Administration supports the passage of H.R. 3113 and also seeks some technical amendments consistent with our FY99 budget proposal to consolidate the African elephant, Asian elephant, and rhino and tiger conservation funds under a Multinational Species Conservation Fund. The purpose of the consolidation would be to streamline bookkeeping and eliminate unnecessary duplication and overhead. Separate sub-accounts would be retained for the Rhino and Tiger Conservation program and each of the other specialized programs under this Fund.

### **The Rhino and Tiger Product Labeling Act/H.R. 2807**

I would now like to discuss the Rhino and Tiger Product Labeling Act, introduced by Chairman Saxton.

Chairman Saxton's bill, H.R. 2807, addresses a critical part of there remaining problem. Conservation assistance is only half of the job, however. In order to break the cycle of poaching and illegal trade which has devastated so many rhino and tiger populations, we must also work to break supply lines and remove rhino and tiger products from the marketplace.

In 1993, after I concluded that authorities in China and Taiwan were ignoring or even, in some cases, aiding and abetting a flourishing trade in rhino and tiger parts within their borders, I determined that coordinated U.S. and international action was necessary. I invoked the Pelly Amendment to the Fisherman's Protective Act by certifying both China and Taiwan and worked with other CITES nations to obtain an international consensus on the need for corrective action. In response to a clear statement of our expectations for improvement in the situation, China took some immediate positive steps to improve their laws and enforcement. Taiwan failed to make similar progress, however, and in 1994 the President took the unprecedented step of applying trade sanctions. The sanctions -- combined with continued efforts at constructive engagement -- eventually resulted in enormous improvements on Taiwan. As a result, in 1995 the President was able to remove the sanctions, and as progress continued I was able to lift the Pelly certification in 1996. I'm happy to say that with strong U.S. encouragement, Taiwan has continued these positive efforts.

Unfortunately, not all of the problems with the trade in rhino and tiger parts is in Asia. There is also a thriving trade in medicines which are at least *labeled* as containing tiger or rhino parts in traditional medicine shops in major cities having large Asian communities all around the world -- and we are not exempt from this problem in the United States. Recognizing this, in 1994 I asked the Fish and Wildlife Service to undertake a program to help remove these medicines from the U.S. marketplace. As a result, the Service began a pilot program in Los Angeles involving outreach to local Asian communities, incorporation of the plight of rhinos and tigers into the curriculum in local schools, and other community-based activities. In addition, in Los Angeles an interagency wildlife law enforcement task force has also made concentrated efforts to interdict shipments of wildlife products -- including rhino and tiger medicines -- with excellent results.

The Los Angeles programs have clearly had an impact. A recent survey by TRAFFIC, the World Wildlife Fund's wildlife trade monitoring organization, found that of seven U.S. and Canadian cities, Los Angeles had by far the lowest incidence of medicines labeled as tiger and rhino medicines in traditional medicine shops. On the other hand, the survey also reveals the depth of the problem which we are facing in other cities, and highlights a continuing problem which no amount of educational outreach or enforcement task forces can solve -- the lack of authority to take enforcement action against medicines which are labeled as containing tiger or rhino parts. Every year, Service wildlife inspectors all over the country routinely encounter shipments containing wildlife products labeled as containing protected species parts -- especially tiger and rhino. These mass-produced products from Asia are destined to be sold as "cure alls" in traditional medicine shops. Investigations in Asia have clearly shown that rhino horn, tiger bone, and other tiger and rhino parts are used in manufacture of some of these medicines.

Once these products reach the United States -- even when their labels blatantly claim that the items contain rhino or tiger parts -- the burden of proof is still on the Service to demonstrate scientifically whether the products contain what the label says. This is a time-consuming and expensive process. Forensics experts estimate a cost of up to \$100,000 to develop a DNA analysis test to identify any particular group of wildlife, such as all rhinos or all tigers, and the process would only work if DNA markers had not been destroyed when the product was manufactured. For example, if a product reported to contain tiger bone has been heated to high temperatures during compounding, a DNA analysis test could not be conclusive. The only

substance which could be confirmed is the presence of calcium, an ingredient just as likely to represent cow bone and tiger bone.

Given these results, seized items must often be returned to the importer because no violation of existing U.S. law can be shown. Some ports have chosen not to seize tiger bone products because the burden of proof with respect to content has made enforcement so difficult. As a result, products claiming to contain tiger and rhino continue to be readily for sale. Even if some of these products contain no rhino or tiger parts, they serve as a smokescreen for other products which clearly do contain the real thing. As a result, such products continue to stimulate demand and feed a market that ultimately depends on the killing of these critically endangered species.

H.R. 2807, the Rhino and Tiger Product Labeling Act, would close this major gap in our existing laws by adding new criminal prohibitions to the existing Rhino and Tiger Conservation Act. The Administration strongly supports this new measure, which is designed to prohibit the importation and sale of products that claim to contain rhinoceros horn or tiger products. The proposed prohibition on import and export of such products will allow us to seize these illegal substances at U.S. ports of entry and demand their immediate forfeiture, and the prohibition on sale of these products will help keep stockpiles which are already in the country off store shelves.

Furthermore, this bill is fully in keeping with an international consensus on the need for such legislation in every country. Recognizing that trade in rhino and tiger medicines is a global problem, the CITES Conference of the Parties has adopted a series of resolutions calling on all countries to adopt new legislation to control this trade. Resolution Conf. 9.13, for example, adopted in Fort Lauderdale in 1994, urges tiger range and consumer countries to prohibit trade in "*..products labeled as containing parts and derivatives of tiger.*" Resolution Conf. 10.19, adopted in Harare last year, asks parties to ensure that "*..their national legislation effectively controls trade in all parts and derivatives of species used for healing purposes and trade in medicinal products containing or purporting to contain them.*" [Emphasis added] Other countries are also moving forward to implement these CITES recommendations: the United Kingdom, for example, has adopted similar legislation which has enabled it to remove 20,000 items from shelves in traditional medicine shops in London alone.

Because H.R. 2807 would be an amendment to an existing statute which currently has no criminal prohibitions, we do have some proposed technical amendments to offer you which would help improve its effectiveness. Our suggestions will include such topics as adding authority to seek civil penalties and forfeiture for violations of the prohibitions, adding some definitions of who is subject to the law, and establishing court jurisdiction.

In summary, the Administration is strongly in favor of the adoption of H.R. 2807, with some technical amendments. It will help to ensure that commercial trade in rhino and tiger medicines in the United States does not undermine the benefits to range countries from Congressional appropriations to the Rhino and Tiger Conservation Fund and compound the cost of conserving these species in the wild. Passage of H.R. 2807 would complement and enhance our ongoing conservation efforts under the Rhino and Tiger Conservation Act, the Pelly Amendment, CITES, and other domestic and international measures. We believe that the Rhino and Tiger Product Labeling Act will help continue the global leadership role of the United States in rhino and tiger conservation.

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